



Informal Hearing Determination

Company: Paramont Coal Company VA LLC **Permit No.:** 1101903

Subject: Cessation Order # TIM0008009 Violation 1 of 1 (SS)

Hearing: May 18, 2011 at 10:00AM **Location:** Mine site

Participants: Greg Blankenship, Arlie Collier and Barry Spry, Paramont; Matt Rasnake and Tim Munsey, DMLR.

Summary of Informal Hearing

An informal hearing was conducted at the minesite in Buchanan County today to review the issuance of cessation order number TIM0008009 violation 1 of 1. Mr. Spry was concerned that a cessation order was issued rather than a notice of violation. He said he was a little confused that an order was issued telling the company to stop discharging water when the discharge had been stopped prior to issuance of the order.

Informal Hearing Recommendation

Pursuant to 4VAC25-130-843.11(a)(1) An authorized representative of the Director shall immediately order a cessation of a coal exploration or a surface coal mining and reclamation operation or of the relevant portion thereof, if the representative finds, on the basis of any inspection, any condition or practice, or any violation of the Act, this chapter, or any condition of a permit or an exploration approval imposed under the Act, or this chapter which:

- (i) Creates an imminent danger to the health or safety of the public; or
- (ii) Is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.

In this case, a discharge of sediment laden water was allowed to leave the permit and enter Belcher Fork of Bull Creek which is a tributary of the Levisa Fork River. The discharge had a total suspended solids concentration of 1,298 mg/l. This discharge discolored state waters and could reasonably be expected to cause significant, imminent harm to water resources. Thus, DMLR deemed a cessation order as the appropriate enforcement action.

I have heard the testimony at the hearing, reviewed the related file and it is my opinion that cessation order number TIM0008009 was properly issued and I recommend that it be affirmed.

Informal Hearing Officer: Michael A. Giles Date: _____